



Writ Petition No.24570 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.24570 of 2025

and

W.M.P.No.27672 of 2025

Ponni Ravindran
W/o.Ravindran

... Petitioner

Vs.

Tahsildar,
Velachery Taluk,
Chennai.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Na.Ka.No.A2/0604/2022, dated 18.04.2022, issued by the respondent in rejecting the application for issuance of Class II Legal Heir Certificate and quash the same and consequently, direct the respondent herein to issue Class II Legal Heir Certificate to petitioner and five others based on their representation dated 01.04.2022 without insisting them to approach competent civil Court.

For Petitioner : Ms.V.Janaranjani

For Respondents : Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.T.M.Rajangam,
Government Advocate

ORDER



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This writ petition has been filed challenging the impugned proceedings of the respondent dated 18.04.2022 wherein the respondent had rejected the application submitted by the petitioner seeking for legal heirship certificate to include the name of the petitioner and others as Class II Legal Heirs in the certificate.

2. Heard Ms.V.Janaranjani, learned counsel for the petitioner and Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.T.M.Rajangam, learned Government Advocate appearing for respondent.

3. The case of the petitioner is that one Rathina Sabapathi was married to one Neelayadakshi and through this wedlock they had a daughter named Kokilambal and a son named Thillai Nayagam. The said Thillai Nayagam married Rajeevalochini and out of that wedlock, three daughters and one son were born and the petitioner is one of the daughter. The further case of the petitioner is that the said Rathina Sabapathi died on 05.04.1987 and his wife Neelayadakshi predeceased him. The daughter, Kokilambal lost her husband in the year 1998. In the mean time, the son Thillai Nayagam died on 30.01.1994. The specific



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case of the petitioner is that Kokilambal did not have any issues and she ultimately died on 01.02.2021. The petitioner and others are claiming themselves to be Class II Legal Heirs of Kokilambal on the ground that they are the brothers' daughters/brother's son. Hence, the petitioner submitted an application before the respondent seeking for legal heirship certificate. The respondent, through the impugned proceedings dated 18.04.2022 rejected the claim made by the petitioner on the ground that their names cannot be included in the legal heirship certificate. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The first issue with regard to including the names of Class II Legal Heirs in a legal heirship certificate has already been decided by the Full Bench of this Court and the same was followed by a Government Order in G.O.(Ms) No.110, dated 13.03.2024. Thus, it is quite clear that the Tahsildar can issue the legal heirship certificate even for Class II Legal Heirs.

5. The next question is as to whether the petitioner and others are Class II Legal Heirs.



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6. The specific case of the petitioner is that her father Thillai Nayagam died in the year 1994 and the aunt Kokilambal died in the year 2021. During her demise, her brother's daughters *viz.*, Rama and the petitioner and one son Kumar Thillai Nayagam were alive. Yet another daughter Shanthi died and she had two daughters *viz.*, Devipriya Ramakrishnan and Gayathiri Ramakrishnan. They are claiming themselves to be Class II Legal Heirs as per the schedule read along with Section 8 of the Hindu Succession Act, 1956. Specific reliance is placed upon Clause IV.

7. The respondent did not properly appreciate the claim made by the petitioner. The respondent has come to a conclusion that the petitioner being the brother's daughter cannot get a legal heirship certificate. As per the Government Order and as per the settled law, the legal heirship certificate does not *per se* decide the rights of the persons, whose names are added in the certificate and it is more in the nature of a relationship certificate between the parties. Hence, a legal heirship certificate merely explains the relationship of the concerned parties to that of the deceased. In the case in hand, the petitioner, her sister Rama and her brother Kumar Thillai Nayagam are the brothers' children of the



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deceased Kokilambal. Therefore, they obviously fall within Class IV of

the Schedule read with Section 8 of the Hindu Succession Act, 1956.

Hence, their names has to be included in the legal heir ship certificate.

8. In the light of the above discussion, the impugned proceedings of the respondent dated 18.04.2022 is hereby quashed. There shall be a direction to the respondent to issue the legal heirship certificate by including the names of the petitioner, her sister Rama and her brother Kumar Thillai Nayagam. This process shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

In the result, this writ petition is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

08.07.2025

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm

To
Tahsildar,
Velachery Taluk,
Chennai.



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N.ANAND VENKATESH, J

gm

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